AEC prepared and submitted the original mitigation plan, which was approved under the Section 404, Section 401, and Isolated Wetland permits. The permits required the creation of 2.66 acres of wetlands in a former freshwater impoundment (Wetland Mitigation Area A), preservation of 11,171 feet of stream, and improvement or restoration of 5,223 feet of stream. In 2004, AEC contacted the U.S. Army Corps of Engineers (USACE) to request renewal of the Section 404 permits. During follow-up discussions and a site meeting in November 2005, the USACE determined that 3.07 acres of wetland creation were required. Furthermore, the USACE re-evaluated the proposed use of the freshwater impoundment as a wetland mitigation site and determined that a portion of the impoundment was existing wetland and would only receive partial mitigation credit for wetland enhancement (see correspondence in Appendix A). Additionally, the USACE requested a more detailed plan for improving or restoring the specified stream reaches.

AEC retained CEC to update and revise the original wetland and stream mitigation plans. CEC prepared a preliminary wetland mitigation plan for the impoundment that specified 3.59 acres of wetland creation and enhancement. The USACE determined that the wetland mitigation plan would provide AEC with 2.55 acres of mitigation credit, taking into account a 1/3 credit for the wetland enhancement acreage. Thus an additional 0.52 acre of wetland creation was required. CEC evaluated the proposed and additional wetland and stream mitigation areas, and submitted revised mitigation plans to the USACE and Ohio Environmental Protection Agency (Ohio EPA) on January 31, 2006, with the following components:

- 3.59 acres of created and enhanced wetlands within Wetland Mitigation Area A (the former freshwater impoundment);
- 0.54 acre of wetland creation in Wetland Mitigation Area B;
- 5,075 feet of stream improvement and restoration, along Long Run (2,475 feet), Piney Creek South (2,230 feet), and Piney Creek North (370 feet).

CEC determined during the field evaluation of Piney Creek North that most of this stream segment consisted of stable stream channel with an intact, mature riparian forest; only a small portion of the stream at its southern end had potential for improvement or restoration. Thus, channel restoration and riparian planting activities were limited to the upstream 370 feet of this